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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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28319	7590	12/01/2006	EXAMINER JACKSON, JAKIEDA R	
BANNER & WITCOFF LTD., ATTORNEYS FOR CLIENT NOS. 003797 & 013797 1001 G STREET, N.W. SUITE 1100 WASHINGTON, DC 20001-4597			ART UNIT 2626	PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/768,813	RUBIN ET AL.
	Examiner Jakieda R. Jackson	Art Unit 2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 September 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11, 13-58 and 60-86 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-11, 13-58 and 60-86 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed on June 23, 2006, applicant submitted an amendment filed on September 25, 2006, in which the applicant traversed and requested reconsideration with respect to **claims 1, 10, 27, 33, 36, 39, 43, 50, 55, 70, 73, 75, 77 and 83-84.**

Response to Arguments

2. Applicant argues that each of the independent claims includes some type of association an/or audio note with an author of the audio annotation and/or audio note. Applicant further argues that Shilit neither teaches nor suggests any type of association between an author of an audio annotation and/or audio note and the audio annotation and/or note. Applicant also argues that Shilit assigned attributes after the context of an annotation is determined. However, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., attributes after the context of an annotation is determined) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant arguments Schilit teaches that the variety of attributes are creation date, author, province, title, etc. and that the attributes are assigned to each annotation. The term annotation as used herein is intended to include text, digital

ink, audio, video or any other input associated with a document (column 5, line 42 – column 6, line 32). Therefore, applicant's arguments are not persuasive.

Applicants also argue that Schilit fails to teach associating additional properties with said audio annotation at the start of recording of said audio annotation. Applicants point out that Schilit specifically describe that attributes are assigned after context of an annotation is determined (column 5, lines 42-47). However, as pointed out in a previous office action, Schilit also teaches that attributes may also be inferred from documents. In the system, the electronic documents are already associated with a variety of attributes (column 5, lines 61-64). Therefore, applicants' arguments are not persuasive.

Applicants further argue that Schilit does not teach nor suggest recording ambient sounds. However, as pointed out in the previous action, Fielder teaches recording ambient sounds (column 6, lines 41-46). Therefore, Applicant arguments are not persuasive.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 27-28 and 31-35, 39-46, 48, 50-56, 58, 60, 62-63, 66-73, 75 and 77, 81-86** are rejected under 35 U.S.C. 102(e) as being anticipated by Schilit et al. (USPN 6,279,014), hereinafter referenced as Schilit.

Regarding **claim 27**, Schilit discloses a user interface for displaying electronic information to a user comprising:

a first display portion for displaying a portion of a document (pictures themselves; column 6, lines 17-19); and

a second display portion for displaying a graphical indication that said document includes an audio annotation associated with said displayed portion of said document (annotations of pictures; column 6, lines 17-19).

wherein said audio annotation is associated with an author (column 5, line 42 – column 6, line 32).

Regarding **claim 28**, Schilit discloses a user interface further comprising:

a third display portion for displaying a non-audio annotation (context of each annotation; column 6, lines 10-14).

Regarding **claim 31**, Schilit discloses a use interface further comprising:

a third display portion for receiving a user input of a property or properties of said audio annotation (attributes; column 5, line 61 – column 6, line 4).

Regarding **claim 32**, Schilit discloses a user interface wherein said audio annotation is recordable by said user (column 39-42 with column 6, lines 24-26).

Regarding **claim 33**, Schilit discloses a process for recording an audio annotation comprising the steps of:

displaying electronic information (column 3, lines 52-56);
receiving a user input (column 6, lines 24-26 with column 3, lines 52-63 and column 5, line 45);
recording an audio annotation in response to said user input (column 4, lines 30-38);
associating an author of the audio annotation with the audio annotation (column 5, line 42 – column 6, line 32); and
associating said audio annotation with properties including a displayed portion of said electronic information (associates attributes with annotations; column 4, lines 30-38).

Regarding **claim 34**, Schilit discloses a process further comprising the step of:
storing said audio annotation prior to the association of said audio annotation with said displayed portion (column 5, lines 42-64).

Regarding **claim 35**, Schilit discloses a process further comprising the step of:
storing said audio annotation after the association of said audio annotation with said displayed portion (column 5, line 65 – column 6, line 4).

Regarding **claim 36**, Schilit discloses a process wherein said recording step records all ambient sounds (audio recording; column 4, lines 39-40 with column 6, lines 24-26).

Regarding **claim 39**, Schilit discloses a process further comprising the step of:

associating additional properties with said audio annotation at the start of recording of said audio annotation (creation date; column 5, lines 61-64).

Regarding **claim 40**, Schilit discloses a process wherein one of said properties is a file position or document position of an item on said displayed portion of said electronic information (column 2, lines 63-66).

Regarding **claim 41**, Schilit discloses a process wherein one of said properties is a start identification of said displayed portion of said electronic information (creation date; column 5, lines 61-64).

Regarding **claim 42**, Schilit discloses a further comprising the steps of:
storing said audio annotation (stores the annotations; column 3, lines 62-63); and
searching audio annotations including said audio annotation for at least one property matching a query (column 4, lines 30-38).

Regarding **claim 43**, Schilit discloses a process for playing audio annotations comprising the steps of:

displaying a portion of electronic information (figure 2, element S160 with column 3, lines 60-63);
receiving a user input (column 4, lines 39-42 with column 6, lines 24-26);
retrieving audio annotations (column 4, lines 30-38), each of said audio annotations being associated with an author (column 5, line 42 – column 6, line 32);
assembling said audio annotations into an audio stream (column 4, lines 30-38 with column 6, lines 24-26); and
playing said audio stream (column 4, lines 30-38 with column 6, lines 24-26).

Regarding **claim 44**, Schilit discloses a process further comprising the step of:
waiting for a second user input prior to playing said audio stream (column 4, lines 30-38).

Regarding **claim 45**, Schilit discloses a process further comprising the step of:
playing said audio stream once said audio stream is assembled (column 4, lines 30-38).

Regarding **claim 46**, Schilit discloses a process wherein said user input is a text query (text; column 6, lines 24-26).

Regarding **claim 48**, Schilit discloses a process further comprising the steps of:
altering the display of said portion to match a currently playing annotation in said audio stream (column 4, lines 30-38 with column 6, lines 24-26).

Regarding **claim 50**, Schilit discloses a process for playing audio annotations comprising the steps of:

navigating to a page (reader to navigate; column 6, lines 5-9);
retrieving at least one audio annotation associated with a page or associated with an item on a page (column 4, lines 30-38 with column 6, lines 24-32); and
playing said at least one audio annotation (column 3, lines 57-63 with column 6, lines 24-32),

wherein said at least one audio annotation is associated with a property identifying an author of said at least one audio annotation (column 5, line 42 – column 6, line 32).

Regarding **claim 51**, Schilit discloses a process further comprising the step of:

waiting for a user input prior to playing said audio annotation (column 4, lines 30-38 with column 6, lines 24-26).

Regarding **claim 52**, Schilit discloses a process wherein said item on said page includes at least one of embedded notes, inked notes, highlights or underlining (column 4, lines 44-48).

Regarding **claim 53**, Schilit discloses a process wherein said at least one audio annotation was previously retrieved and said retrieving step includes indexing said previously retrieved at least one audio annotation (column 5, lines 10-32).

Regarding **claim 54**, Schilit discloses a process wherein said at least one audio annotation is the result of a newly executed query (column 3, lines 52-63).

Regarding **claim 55**, Schilit discloses a computer readable medium having a data structure stored thereon, said data structure comprising;

a document (column 3, lines 52-63);
a link object (column 4, lines 17-38); and
audio content with at least one property (column 5, lines 61-64),
wherein said link object references said document and references said audio content (column 4, lines 30-38),

wherein said audio content includes at least one audio annotation (column 5, line 42 – column 6, line 32),

wherein at least one property identifies an author of the at least one audio annotation (column 5, line 42 – column 6, line 32).

Regarding **claim 56**, Schilit discloses a data structure wherein at least one property relates to the time said audio content started recording (column 5, lines 55-64).

Regarding **claim 58**, Schilit discloses a data structure wherein at least one property relates to the length of recording of said audio content (column 4, lines 49-56).

Regarding **claim 60**, Schilit discloses a data structure wherein at least one property relates to a start ID (column 4, lines 49-56 with column 5, lines 55-64).

Regarding **claim 62**, Schilit discloses a data structure wherein said audio content is comprised of a plurality of audio clips (column 4, lines 30-38 with column 6, lines 24-26).

Regarding **claim 63**, Schilit discloses a data structure wherein said audio clips are stored in a database (column 3, lines 57-63 with column 6, lines 24-26).

Regarding **claim 66**, Schilit discloses a data structure wherein said audio content is stored within a document (figure 1, element 16 with column 3, lines 52-63).

Regarding **claim 67**, Schilit discloses a data structure wherein said audio content is stored apart from a document (figure 1, element 18 with column 3, lines 52-63).

Regarding **claim 68**, Schilit discloses a data structure wherein said audio content is stored in a database with at least one property designating the position of viewed document relating to said audio content (column 4, lines 49-58).

Regarding **claim 69**, Schilit discloses a data structure wherein said audio content is stored in a database and linked to a separate annotation document that stores the position of a viewed document relating to said audio content (column 4, lines 30-38).

Regarding **claim 70**, Schilit discloses a process for recording audio content comprising the steps of:

navigating to a page of a document (reader to navigate; column 6, lines 5-9);
recording said audio content (column 4, lines 39-40); and
associating properties with said audio content such that retrieval of said audio content positions said audio content after previously recorded audio content (column 4, lines 30-40),

wherein said audio content includes at least one audio annotation (column 5, line 42 – column 6, line 32),

wherein at least one property identifies an author of the at least one audio annotation (column 5, line 42 – column 6, line 32).

Regarding **claim 71**, Schilit discloses a process wherein said audio content comprises audio clips and properties include a time property (column 5, lines 56-64 with column 6, lines 24-26).

Regarding **claim 72**, Schilit discloses a process wherein said audio content and said previously recorded audio content is ordered at least by said time property (creation date; column 5, lines 61-64).

Regarding **claim 73**, Schilit discloses a process of searching audio clips comprising the steps of:

inputting search terms or properties (column 5, lines 61-64);
searching said audio clips for said search terms or properties (column 4, lines 30-38); and

ordering audio clips detected by said searching step for output (column 4, lines 30-38 with column 5, lines 61-64 and column 6, lines 10-23).

Regarding **claim 75**, Schilit discloses a process for recording audio information comprising the steps of:

recording audio signals as a first file (column 4, lines 29-48);

processing said file to extract audio clips (column 6, lines 24-26); and

storing said audio clips (column 3, lines 52-63 with column 6, lines 24-26),

wherein said processing separates the content of said first file into audio clips based on events (column 4, lines 30-38),

wherein each of said audio clips includes an audio annotation associated with an author of the audio annotation (column 5, line 42 – column 6, line 32),

wherein said processing associates an author of the recorded audio signal with the audio annotation (column 5, line 42 – column 6, line 32).

Regarding **claim 77**, Schilit discloses a process for associating audio notes and handwritten notes comprising the steps of:

creating a handwritten note (inherent in pen-based device; column 3, lines 57-60 with column 6, lines 24-26);

associating a time at which said handwritten note was created with said handwritten note (creation date; column 5, lines 55-65);

creating an audio note (column 6, lines 24-26); and

associating a time at which said audio note was created with said audio note (column 5, lines 55-65),

associating an author of said audio note with said audio note (column 5, line 42 – column 6, line 32),

wherein, upon selection of said handwritten note, audio notes recorded at or near the time at which said handwritten note was created are located (column 4, lines 17-56).

Regarding **claim 81**, Schilit discloses a process wherein said audio notes are comprised of audio clips in which each audio clip has a time of creation associated with each audio clip (column 5, lines 55-64 with column 6, lines 24-26).

Regarding **claim 82**, Schilit discloses a process further comprising the step of: playing said audio notes (column 6, lines 24-26).

Regarding **claim 83**, Schilit discloses a process for playing audio notes comprising the steps of:

displaying a first page of electronic information (presents using different list views; column 6, lines 5-9);

playing audio notes associated with said first page (column 4, lines 30-38);

displaying a second page of electronic information slide presentation (presents using different list views; column 6, lines 5-9); and

playing audio notes associated with said second page (column 4, lines 30-38), wherein each audio note is associated with a property identifying an author of said audio note (column 5, line 42 – column 6, line 32).

Regarding **claim 84**, Schilit discloses a process further comprising the step of receiving user input,

wherein, in response to said user input, said second page is displayed (reader to navigate; column 6, lines 5-9).

Regarding **claim 85**, Schilit discloses a process of recording audio notes comprising the steps of:

displaying a first page of electronic information (column 3, lines 52-63);
recording a first set of audio notes (column 4, lines 69-40);
associating said first set of audio notes with said first page (column 4, lines 30-38);

displaying a second page of electronic information (column 3, lines 52-63);
recording a second set of audio notes (column 4, lines 39-40); and
associating said second set of audio notes with said second page (column 4, lines 30-38),

wherein each set of audio notes is associated with a property identifying an author of said set of audio notes (column 5, line 42 – column 6, line 32).

Regarding **claim 86**, Schilit discloses a process further comprising the step of receiving user input (column 3, lines 52-63),

wherein, in response to said user input, said second page is displayed (column 6, lines 5-23).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-2, 4-6, 9-11 and 13-26** are rejected under 35 U.S.C. 103(a) as being unpatentable by Milne et al. (USPN 5,390,138), hereinafter referenced as Milne in view of Schilit et al. (USPN 6,279,014), hereinafter referenced as Schilit.

Regarding **claim 1**, Milne discloses a system for receiving audio input comprising:

a display for displaying electronic information (column 10, line 67 – column 11, line 3);
an audio input receiving audio content (column 10, lines 27-28); and
a processor (figure 1, element 10) for associating said received audio content with said displayed electronic information (column 8, lines 36-39 with column 10, line 67 – column 11, line 3), but lacks wherein said processor further associates an author with each of said audio annotations, each of said audio annotations being randomly accessible based on the author.

Schilit teaches a method and system for organizing documents based upon annotations in context wherein the electronic documents are associated with a variety of attributes, such as the author (column 5, lines 61-64). The annotations are

organized, ordered or ranked by the assigned attributes (column 5, line 65 – column 6, line 4). Also, Schilit teaches that the term annotation is intended to include audio as an input associated with a document (column 6, lines 24-32), to maintain organization.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Milne's system wherein said processor further associates an author with each of said audio annotations, each of said audio annotations being randomly accessible based on the author, as taught by Schilit, to permit flexible low-overhead organization of material without adding to the effort of reading and notetaking (column 3, lines 17-25).

Regarding **claim 2**, Milne discloses a system wherein each of said audio content is in the form of audio clips (clips of audio; column 19, lines 29-31 and lines 46-48).

Regarding **claim 4**, Milne discloses a system further comprising:
a storage for storing said audio content with said at least one property (audio can be stored; column 9, lines 63-65 with column 19, lines 66-67).

Regarding **claim 5**, Milne discloses a system further comprising:
an input receiving a user's input (column 10, lines 27-28),
wherein said processor starts recording audio content from said audio input in response to said user's input (video tape recorders; column 8, lines 53-60 with column 10, lines 25-32).

Regarding **claim 6**, Milne discloses a system wherein said processor includes a voice activated recording system for recording said audio content (column 10, lines 25-32 with a record member function; column 19, lines 53-54).

Regarding **claim 9**, Milne disclose a system wherein said processor controls said display to indicate that audio content is associated with said displayed electronic information.

Regarding **claim 10**, Milne discloses a system for playing audio content, said system comprising:

a display for displaying electronic information (column 10, line 67 – column 11, line 3);

a storage for storing audio content (audio can be stored; column 9, lines 63-65 with column 19, lines 66-67), said audio content including properties and being associated with said displayed electronic information (column 8, lines 36-39 with column 10, line 67 – column 11, line 3);

an output for outputting at least some of said audio content responsive to navigation of said displayed electronic information (column 10, line 66 – column 11, line 3); and

a processor for controlling said display, said storage and said output (figure 1, element 10), but lacks wherein said processor further associates an author with each of said audio annotations, each of said audio annotations being randomly accessible based on the author.

Schilit teaches a method and system for organizing documents based upon annotations in context wherein the electronic documents are associated with a variety of attributes, such as the author (column 5, lines 61-64). The annotations are organized, ordered or ranked by the assigned attributes (column 5, line 65 – column 6,

line 4). Also, Schilit teaches that the term annotation is intended to include audio as an input associated with a document (column 6, lines 24-32), to maintain organization.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Milne's system wherein said processor further associates an author with each of said audio annotations, each of said audio annotations being randomly accessible based on the author, as taught by Schilit, to permit flexible low-overhead organization of material without adding to the effort of reading and notetaking (column 3, lines 17-25).

Regarding **claim 11**, Milne discloses a system wherein said audio content includes audio clips (clips of audio; column 19, lines 29-31 with lines 46-48).

Regarding **claim 13**, Milne discloses a system, wherein said storage is a database (audio can be stored; column 9, lines 63-65 with column 19, lines 66-67).

Regarding **claim 14**, Milne discloses a system further comprising:
an input for receiving a user's input (column 10, lines 27-28),
wherein said output outputs at least some of said audio content in response to receiving said user's input (column 10, line 66 – column 11, line 3).

Regarding **claim 15**, Milne discloses a system further comprising:
an input for receiving a user's input (column 10, lines 27-28),
wherein said processor searches properties of said stored audio content in response to said user's input (video tape recorders; column 8, lines 53-60 with column 10, lines 25-32).

Regarding **claim 16**, Milne discloses a system wherein the output of said processor is sent to said display to display an indication of the search results (column 14, lines 65-68).

Regarding **claim 17**, Milne discloses a system wherein the output of said controller is sent to the output for playing audio content with properties matching the search results (audio data; column 8, lines 47-50 with column 14, lines 65-68 with column 21, lines 35-38).

Regarding **claim 18**, Milne discloses a system wherein said processor retrieves all audio content associated with said electronic information when said electronic information is accessed (media components connected together; column 8, lines 36-60 with column 11, lines 35-36).

Regarding **claim 19**, Milne discloses a system wherein said processor outputs selected audio content to be played through said output when a page of said electronic information is displayed (column 10, line 67 – column 11, line 3).

Regarding **claim 20**, Milne discloses a system wherein said processor automatically plays said selected audio content when said page is displayed (audio component represented graphically on the display; column 10, lines 38-44 with column 10, line 67 – column 11, line 3).

Regarding **claim 21**, Milne discloses a system further comprising:
a communication link to transmit said audio content (connection linking audio component; column 10, lines 55-56 with column 11, lines 35-36).

Regarding **claim 22**, Milne discloses a system further comprising: a network connected to said communication link for receiving said audio content, said network being accessible by other users (multiple clients to share; column 9, lines 1-4).

Regarding **claim 23**, Milne discloses a system further comprising:
a receiving device of another user for receiving said audio content, said receiving device receiving said audio content through one of a wired (connecting devices with connecting workstation to network; column 4, lines 24-44) or wireless interface.

Regarding **claim 24**, Milne discloses a system wherein said network further processes said audio content (processing audio components; column 8, lines 36-50).

Regarding **claim 25**, Milne discloses a system wherein said network includes a database for storing said audio content (audio can be stored; column 9, lines 63-65 with column 19, lines 66-67).

Regarding **claim 26**, Milne discloses a system wherein said network receives audio content without receiving said electronic information associated with said audio content (audio and video; column 8, lines 36-60).

7. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Milne in view of Schilit as applied to claim 6, in view of Hou et al. (U.S. Patent No. 5,838,313), hereinafter referenced as Hou.

Regarding **claim 7**, Milne in view of Schilit discloses a system wherein said voice activated recording system, but lacks wherein the system records when said audio content exceeds a predetermined threshold.

Hou discloses a system wherein the system records when said audio content exceeds (is not less than) a predetermined threshold (column 7, lines 63-65), to determine distance between previous and new events.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Milne in view of Schilit's invention such that it records when said audio content exceeds a predetermined threshold as in Hou, to have a report which consists of the individual's visual and audio annotations, which can be synchronized for playing back (column 2, lines 30-36).

8. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Milne in view of Schilit as applied to claim 6, in view of Dwyer et al. (U.S. Patent No. 6,571,211), hereinafter referenced as Dwyer.

Regarding **claim 8**, Milne in view of Schilit discloses a system for receiving audio input, but lacks wherein said voice activated recording system records when a known user's voice is detected in said audio content.

Dwyer discloses the system wherein said voice activated recording system records when a known user's voice is detected in said audio content (column 7, lines 46-67), so that the users may more readily locate their own voice data files.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Milne in view of Schilit's invention such that the recording step records only a specific user's voice, to identify an author of a voice data file, which aids in indexing the voice data files, so that the users may more readily locate their own voice data files (column 7, lines 46-67).

9. **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in view of Headley et al. (U.S. Publication No. 2002/0194260), hereinafter referenced as Headley.

Regarding **claim 29**, Schilit discloses a user interface for displaying electronic information to a user, but lacks a third display portion for displaying an indication that said audio annotation is being recorded or played back.

Headley discloses a user interface further comprising:
a third display portion for displaying an indication that said audio annotation is being recorded or played back (figure 6, element 606), to display additional information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's interface wherein it discloses a third display portion for displaying an indication that said audio annotation is being recorded or played back, as taught by Headley, to display additional information related to each entry in the multimedia playlist (column 5, paragraph 0049).

10. **Claim 30** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in view of Aihara et al. (USPN 5,644,674), hereinafter referenced as Aihara.

Regarding **claim 30**, Schilit discloses a user interface for displaying electronic information, but lacks a third display portion for displaying one of a document tape or a master tape.

Aihara discloses a display portion (figure 4, element 33) for displaying one of a document tape or a master tape (figure 4, elements 34a-34d with column 16, lines 24-33), to view the modified playback picture.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's interface, as taught by Aihara, to allow the user to view the modified playback picture to confirm whether or not the picture has been modified in the desired manner (column 16, lines 24-33).

11. **Claim 36** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in view of Fielder (USPN 6,205,419).

Regarding **claim 36**, Schilit discloses a system wherein a voice activated recording system, but does not specifically teach recording all ambient sounds.

Fielder teaches a continuous recording process that records ambient sounds (column 6, lines 41-46), to improve audio quality.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's process, wherein it records ambient sounds, as taught by Fielder, to detect and cancel ambient noise, which provides signal enhancement (column 6, lines 41-46).

12. **Claim 37** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in view of Hou et al. (U.S. Patent No. 5,838,313), hereinafter referenced as Hou.

Regarding **claim 37**, Schilit discloses a system wherein a voice activated recording system, but lacks wherein the system records when said audio content exceeds a predetermined threshold.

Hou discloses a process wherein said recording step records only sounds above a predetermined threshold (is not less than the threshold; column 7, lines 63-65), to determine distance between previous and new events.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's invention such that it records only sounds above a predetermined threshold, as in Hou, to have a report which consists of the individual's visual and audio annotations, which can be synchronized for playing back (column 2, lines 30-36).

13. **Claim 38** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in view of Hou, as applied to claim 37, further in view of Dwyer.

Regarding **claim 38**, Schilit in view of Hou discloses a system for receiving audio input, but lacks wherein said recording step records only a specific user's voice.

Dwyer discloses the system wherein said recording step records only a specific user's voice (column 7, lines 46-67), so that the users may more readily locate their own voice data files.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit in combination with Hou's invention such that voice activated recording system records when a known user's voice is detected in said audio content, to identify an author of a voice data file, which aids in indexing the voice data files, so that the users may more readily locate their own voice data files (column 7, lines 46-67).

14. **Claims 47 and 76** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in view of Milne.

Regarding **claim 47**, Schilit discloses a process for playing audio annotations, but lacks wherein said user input is a voice query.

Milne discloses an object-oriented audio system wherein said user input is a voice query (column 10, lines 25-32), to create a variety of interesting applications.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's process wherein said user input is voice

query, as taught by Milne, to present a multimedia presentation with a variety of interesting applications (column 10, lines 21-32).

Regarding **claim 76**, Schilit discloses a process wherein said events comprise at least one of short pauses in said speech, a pause of a predetermined length, and a user navigating away from a displayed page (column 6, lines 5-9), but lacks wherein said audio signals include speech.

Milne discloses an object-oriented audio system wherein audio signals include speech (column 10, lines 25-32), to create a variety of interesting applications.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's process wherein said audio signals include speech, to present a multimedia presentation with a variety of interesting applications (column 10, lines 21-32).

15. **Claim 49** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in view of Pritt (U.S. Patent No. 5,689,717).

Regarding **claim 49**, Schilit discloses a process for recording an audio annotation, but lacks including the steps of comparing the length and displaying a portion of electronic information.

Pritt discloses the process including the steps of:

comparing the length (determining the position) of said currently playing annotation with starting identifications of displayable portions of said electronic information (column 4, lines 15-30); and

displaying the portion of said electronic information (display annotations) supporting the greater length of said currently playing annotation (currently displayed; column 4, lines 15-30), for the placement of annotations on a computer display of various sizes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's invention such that it includes the steps of comparing the length and displaying a portion of electronic information as in Pritt, for placement of annotations of various sizes without overlapping currently displayed annotations (column 1, lines 10-15).

16. **Claims 57 and 61** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in view Jain et al. (USPN 6,144,375), hereinafter referenced as Jain.

Regarding **claim 57**, Schilit discloses a computer readable medium having a data structure, but lacks wherein at least one property relating to the time said audio content stopped recording.

Jain discloses a data structure wherein at least one property relates to the time said audio content stopped recording (column 19, line 54 – column 20, line 11), to create a multi-media database.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's medium, as taught by Jain, such that at least one property relates to the time said audio content stopped recording, to thereby create a database that synchronizes and associates multiple multi-media data types with multi-media events of interest to an end user or client (column 20, lines 4-11).

Regarding **claim 61**, Schilit discloses a computer readable medium having a data structure, but lacks a data structure wherein at least one property relates to a stop ID.

Jain discloses a data structure wherein at least one property relates to a stop ID (column 19, line 54 – column 20, line 11), to create a multi-media database.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's medium wherein at least one property relates to a stop ID, as taught by Jain, to thereby create a database that synchronizes and associates multiple multi-media data types with multi-media events of interest to an end user or client (column 20, lines 4-11).

17. **Claim 59** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in view Hurtado et al. (USPN 6,418,421), hereinafter referenced as Hurtado.

Regarding **claim 59**, Schilit discloses a computer readable medium having a data structure, but lacks wherein said property relates to the author of the recording.

Hurtado discloses a data structure wherein said property relates to the author of the recording (column 42, lines 40-43), to obtain a unique value that is assigned to the entity of creation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's medium, as taught by Hurtado, wherein said property relates to the author of the recording to validate the authenticity and integrity of the contents (column 42, lines 5-43).

18. **Claims 64 and 65** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in view of Martin et al. (USPN 6,272,484), hereinafter referenced as Martin.

Regarding **claim 64**, Schilit discloses a data structure of audio content, but lacks wherein said property is one of a plurality of properties and wherein at least one properties are in a marked up language form.

Martin discloses an electronic document wherein said property is one of plurality of properties and wherein at least one of a plurality properties are in a marked up language form (column 6, lines 19-36), to use various applications on a computer system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's structure wherein said property is one of plurality of properties and at least one of a plurality properties are in a marked up

language form, as taught by Martin, to have a variety of formats to view (column 6, lines 19-36).

Regarding **claim 65**, Schilit discloses a data structure of audio content, but lacks wherein said properties are in XML.

Martin discloses an electronic document wherein said properties are in XML, (column 6, lines 19-36), to use various applications on a computer system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's structure wherein said properties are in XML, as taught by Martin, to have a variety of formats to view (column 6, lines 19-36).

19. **Claim 74** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in view of Kessenich et al. (USPN 6,055,538), hereinafter referenced as Kessenich.

Regarding **claim 74**, Schilit discloses a process of searching audio clips, but lacks wherein said inputting step further comprises receiving verbally delimited keywords and converting said verbally delimited keywords into search terms or properties.

Kessenich discloses a process for search large databases comprising: receiving verbally delimited keywords (column 15, lines 4-10 and column 20, lines 6-21); and

converting said verbally delimited keywords into search terms or properties (column 23, lines 3-7), for performing a further query.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's process, as taught by Kessenich, wherein it receives verbally delimited keywords and converts said verbally delimited keywords into search terms or properties, for locating associated information rapidly (column 20, lines 7-21).

20. **Claim 78-80** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit in view Miller et al. (USPN 5,801,685), hereinafter referenced as Miller

Regarding **claim 78**, Schilit discloses a process for associating audio notes and handwritten notes, but lacks locating said audio notes includes the step of querying a database for audio clips.

Miller discloses a process wherein locating said audio notes includes the step of querying a database for audio clips (column 9, lines 49-55 with column 11, lines 14-28), to obtain relevant information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's process, such as taught by Miller, wherein locating said audio notes includes the step of querying a database for audio clips, to locate the clip given a partial description (column 9, lines 49-55)

Regarding **claim 79**, Schilit discloses a process for associating audio notes and handwritten notes, but lacks locating said audio notes includes the step of searching a table.

Miller discloses a process wherein locating said audio notes includes the step of searching a table (column 15, lines 29-43 and column 16, lines 11-14), to indicate the location of the clip.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's process, such as taught by Miller, wherein locating said audio notes includes the step of searching a table, to indicate the location of the clip (column 15, lines 29-43), for easy access, which is well known in the art.

Regarding **claim 80**, Schilit discloses a process for associating audio notes and handwritten notes, but lacks locating said audio notes includes the step of searching a linked list.

Miller discloses a process wherein locating said audio notes includes the step of searching a linked list (column 9, lines 34-55 with column 11, lines 14-42), to obtain the raw information that resides in the server.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilit's process, such as taught by Miller, wherein locating said audio notes includes the step of searching a linked list, to allow information to be obtained (column 11, lines 14-42), with easy access, which is well known in the art.

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571.272.7619. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571.272.7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ
November 28, 2006



DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600